

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2019 OCT 21 AM 11:51

CLERK M. Allen
SO. DIST. OF GA.

KENDRICK R. MARTIN,

Plaintiff,

v.

FREDRICK PRYOR, Prison Guard,

Defendant.

CV 119-147

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. nos. 9, 10.) The Magistrate Judge recommended dismissing the case without prejudice as a sanction for Plaintiff providing dishonest information about his filing history. (See doc. no. 7.) Plaintiff does not deny he filed the undisclosed cases identified by the Magistrate Judge but claims he was unaware the cases were active because he had not received anything in response to his filings except in one of the two cases. (Doc. nos. 9, 10.)

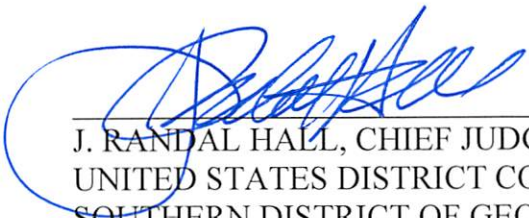
The plain language of the complaint form explains a prisoner plaintiff must disclose any lawsuits brought in federal court dealing with facts other than those involved in this action "[w]hile incarcerated or detained in any facility." (Doc. no. 1, pp. 13-15.) Despite Plaintiff's contention to the contrary, there is no ambiguity regarding the scope of the

request. As the Magistrate Judge explained, Plaintiff misstated his prior history by failing to disclose two federal cases initiated by Plaintiff. (Doc. no. 7.)

It is incumbent on Plaintiff, who signed his complaint under penalty of perjury, to provide accurate information about his prior filing history. As the case law cited in the Report and Recommendation makes clear, failing to disclose prior filing history will not be tolerated, and the Eleventh Circuit has repeatedly approved of dismissing a case without prejudice as a sanction. (See id. at 3-4.)

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 21ST day of October, 2019, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA